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Commission on Crime Prevention and Criminal Justice

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Items 4 and 5 (d) of the provisional agenda*

Thematic discussion on international cooperation in criminal matters

Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice: other crime prevention and criminal justice matters

Argentina: draft resolution

Strengthening the legal basis for international judicial cooperation in criminal matters

The Commission on Crime Prevention and Criminal Justice,

Recalling paragraph 16 of the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,¹ adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and endorsed by the General Assembly in its resolution 65/230 of 21 December 2010, in which Member States recognized that international cooperation in criminal matters in accordance with international obligations and national laws is a cornerstone of the efforts of States to prevent, prosecute and punish crime, in particular in its transnational forms, and encouraged the continuation and reinforcement of such activities at all levels,

Recalling also paragraphs 20 and 21 of the Salvador Declaration, in which Member States expressed their awareness that gaps might exist in relation to international cooperation in criminal matters, invited the Commission on Crime Prevention and Criminal Justice to consider reviewing that issue and explore the

* E/CN.15/2014/L.

¹ General Assembly resolution 65/230, annex.



need for various means of addressing gaps that were identified and, furthermore, called upon Member States, consistent with their international obligations, to establish or strengthen, as appropriate, central authorities fully empowered and equipped to deal with requests for international cooperation in criminal matters,

Recalling further General Assembly resolution 65/232 of 21 December 2010, in which the Assembly recognized that, thanks to its broad membership and wide scope of application, the United Nations Convention against Transnational Organized Crime² offered an important basis for international cooperation, inter alia for extradition, mutual legal assistance and confiscation, and represented in that regard a useful tool that should be further utilized, and furthermore called upon Member States to strengthen their efforts to cooperate, as appropriate, at the bilateral, subregional, regional and international levels to counter effectively transnational organized crime,

Considering that criminal investigations, prosecutions and proceedings very often involve suspects, witnesses, evidence or assets located outside the territory of the State that is conducting the investigation, prosecution or proceeding,

Underlining the need to strengthen international cooperation to effectively prevent, prosecute and punish crime,

Stressing that international cooperation in criminal matters plays an important role in achieving sustainable and long-lasting results in the prevention, prosecution and punishment of crime,

Emphasizing the dimensions that both mutual legal assistance and extradition have attained,

Noting with satisfaction that much progress has been made at the national and international levels in fighting crime, in particular in its transnational forms,

Bearing in mind the United Nations standards and norms in crime prevention and criminal justice that focus on the area of international judicial cooperation in criminal matters, in particular the Model Treaty on Extradition³ and the Model Treaty on Mutual Assistance in Criminal Matters,⁴

Reiterating the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto⁵ as the main tools of the international community to fight transnational organized crime,

Reaffirming the significant usefulness of the pertinent provisions on international cooperation in criminal matters, particularly extradition and mutual legal assistance, of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Convention against Corruption⁶ and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,⁷

² United Nations, *Treaty Series*, vol. 2225, No. 39574.

³ General Assembly resolution 45/116, annex, and resolution 52/88, annex.

⁴ General Assembly resolution 45/117, annex, and 53/112, annex I.

⁵ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

⁶ *Ibid.*, vol. 2349, No. 42146.

⁷ *Ibid.*, vol. 1582, No. 27627.

Concerned that the existing legal framework may not be for all Member States a sufficient legal basis for mutual legal assistance or extradition in all cases,

Considering that international judicial cooperation in criminal matters, owing to the major role that it has acquired in recent years, should be addressed from a global perspective and as a separate issue,

Considering also that direct contact between central authorities, with proper expertise on international judicial cooperation in criminal matters, builds ties of mutual trust for facilitating cooperation,

1. *Expresses* its willingness to strengthen the legal framework for international cooperation in order to facilitate and promote investigation and prosecution in criminal matters;

2. *Recommends* that international judicial cooperation in criminal matters should be addressed in an autonomous manner, with respect to the different groups of crimes of concern to the international community;

3. *Urges* Member States to address the issue of strengthening and enhancing the international legal framework for mutual legal assistance and extradition and to examine the possibility of creating a global instrument on international judicial cooperation in criminal matters, as a modern and useful tool for fighting crime;

4. *Encourages* Member States to examine the possibility of creating a global network of central authorities, fully empowered and equipped to deal with requests for international cooperation in criminal matters.